

ASSEMBLY BILL

No. 811

Introduced by Assembly Member Levine

February 22, 2007

An act to add and repeal Sections 17053.67 and 23667 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 811, as introduced, Levine. Income and corporation taxes: credits: renewable energy resource.

The Personal Income Tax and the Corporation Tax Law authorize various credits against the taxes imposed by those laws.

This bill would authorize a credit against those taxes for each taxable year beginning on or after January 1, 2007, and before January 1, 2012, for the costs paid or incurred by a taxpayer for the construction of an eligible renewable resource, as defined.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17053.67 is added to the Revenue and
- 2 Taxation Code, to read:
- 3 17053.67. (a) For each taxable year beginning on or after
- 4 January 1, 2007, and before January 1, 2012, there shall be allowed
- 5 as a credit against the "net tax," as defined in Section 17039, an

1 amount equal to ____ percent paid or incurred by a taxpayer for the
2 construction of an eligible renewable resource.

3 (b) The aggregate amount of tax credits authorized under this
4 section shall not exceed ____ for any taxable year.

5 (c) For purposes of this section, “eligible renewable resource”
6 has the same meaning as provided in Section 399.12 of the Public
7 Utilities Code.

8 (d) In the case where the credit allowed by this section exceeds
9 the “net tax,” the excess may be carried over to reduce the “net
10 tax” in the following year, and the succeeding 10 years if necessary,
11 until the credit is exhausted.

12 (e) This section shall remain in effect only until January 1, 2013,
13 and as of that date, is repealed. However, any unused credit may
14 be carried over and used after that repeal date in accordance with
15 subdivision (d).

16 SEC. 2. Section 23667 is added to the Revenue and Taxation
17 Code, to read:

18 23667. (a) For each taxable year beginning on or after January
19 1, 2007, and before January 1, 2012, there shall be allowed as a
20 credit against the “tax,” as defined in Section 23036, an amount
21 equal to ____ percent paid or incurred by a taxpayer for the
22 construction of an eligible renewable resource.

23 (b) The aggregate amount of tax credits authorized under this
24 section shall not exceed ____ for any taxable year.

25 (c) For purposes of this section, “eligible renewable resource”
26 has the same meaning as provided in Section 399.12 of the Public
27 Utilities Code.

28 (d) In the case where the credit allowed by this section exceeds
29 the “tax,” the excess may be carried over to reduce the “tax” in
30 the following year, and the succeeding 10 years if necessary, until
31 the credit is exhausted.

32 (e) This section shall remain in effect only until January 1, 2013,
33 and as of that date, is repealed. However, any unused credit may
34 be carried over and used after that repeal date in accordance with
35 subdivision (d).

36 SEC. 3. This act provides for a tax levy within the meaning of
37 Article IV of the Constitution and shall go into immediate effect.